

(b) Audits must focus on the effectiveness of the program and be conducted by individuals qualified in the subject(s) being audited, and independent of both fitness-for-duty program management and personnel directly responsible for implementation of the fitness-for-duty program.

(c) The result of the audit, along with recommendations, if any, must be documented and reported to senior corporate and site management. The resolution of the audit findings and corrective actions must be documented. These documents must be retained for three years. NRC Guidelines require licensee audits of HHS-certified laboratories as described in appendix A.

#### ENFORCEMENT

##### § 26.90 Violations.

(a) An injunction or other court order may be obtained to prohibit a violation of any provision of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974; or

(3) Any regulation or order issued under these Acts.

(b) A court order may be obtained for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act of 1954, for violations of—

(1) Section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act;

(2) Section 206 of the Energy Reorganization Act of 1974;

(3) Any rule, regulation, or order issued under these Sections;

(4) Any term, condition, or limitation of any license issued under these Sections; or

(5) Any provisions for which a license may be revoked under section 186 of the Atomic Energy Act of 1954.

[54 FR 24494, June 7, 1989, as amended at 57 FR 55072, Nov. 24, 1992]

##### § 26.91 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 26 are issued

under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 26 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§26.1, 26.2, 26.3, 26.4, 26.6, 26.8, 26.90, and 26.91.

[57 FR 55072, Nov. 24, 1992]

#### APPENDIX A TO PART 26—GUIDELINES FOR DRUG AND ALCOHOL TESTING PROGRAMS

##### SUBPART A—GENERAL

- 1.1 Applicability
- 1.2 Definitions

##### SUBPART B—SCIENTIFIC AND TECHNICAL REQUIREMENTS

- 2.1 The Substances
- 2.2 General Administration of Testing
- 2.3 Preventing Subversion of Testing
- 2.4 Specimen Collection Procedures
- 2.5 HHS-Certified Laboratory Personnel
- 2.6 Licensee Testing Facility Personnel
- 2.7 Laboratory and Testing Facility Analysis Procedures
- 2.8 Quality Assurance and Quality Control
- 2.9 Reporting and Review of Results

##### SUBPART C—EMPLOYEE PROTECTION

- 3.1 Protection of Employee Records
- 3.2 Individual Access to Test and Laboratory Certification Results

##### SUBPART D—CERTIFICATION OF LABORATORIES ENGAGED IN CHEMICAL TESTING

- 4.1 Use of DHHS-Certified Laboratories

##### SUBPART A—GENERAL

###### 1.1 Applicability

(1) These guidelines apply to licensees authorized to operate nuclear power reactors and licensees who are authorized to possess, use, or transport formula quantities of strategic special nuclear material (SSNM).

(2) Licensees may set more stringent cutoff levels than specified herein or test for substances other than specified herein and shall inform the Commission of such deviation within 60 days of implementing such change. Licensees may not deviate from the provisions of these guidelines without the written approval of the Commission.

(3) Only laboratories which are HHS-certified are authorized to perform urine drug testing for NRC licensees, vendors, and licensee contractors.

###### 1.2 Definitions

For the purposes of this part, the following definitions apply: